



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 25, 2019

Mr. Russel Neiss
40517-47628938@requests.muckrock.com

Dear Mr. Neiss:

This letter responds to your email dated October 2, 2017, in which you appealed the response by the Office of Management and Budget (OMB) dated September 29, 2017, to your Freedom of Information Act (FOIA) request assigned tracking number 2017-344. OMB assigned your appeal tracking number 2018-009.

We apologize for the delay in responding to your FOIA appeal. OMB is experiencing a significant backlog of appeals and we are doing our best to respond to each matter as expeditiously as possible.

On appeal, you maintain that OMB withheld two documents in full without making an effort to segregate and release the purely factual portions of those documents. The two documents OMB withheld in full were high-level draft reform plans prepared by the Department of State and submitted to OMB pursuant to OMB Memorandum M-17-22, *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce*. The first document, which is titled "Agency Reform Plan Department of State and U.S. Agency for International Development," is marked "DRAFT/DELIBERATIVE AND PRE-DECISIONAL" and consists of 5 pages, and the second document, which is titled "Agency Reform Plan & Workforce Planning Update U.S. Department of State," is marked "DRAFT/DELIBERATIVE AND PRE-DECISIONAL" and consists of six PowerPoint slides.

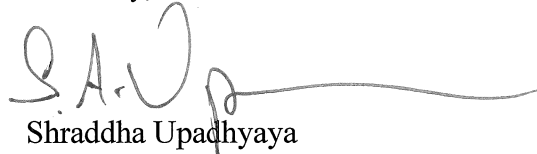
In response to your FOIA appeal, I have reviewed the underlying materials, including your incoming FOIA request, OMB's response letter, the two documents withheld in full, and your email outlining the basis of your appeal. At the outset, I would like to note that the two documents withheld by OMB consist of a total of 11 pages and not 8 pages as previously reported to you. The reason for this discrepancy is unclear but I did want to clarify the page count so as to avoid any confusion. At your request and consistent with the requirement in 5 U.S.C. § 552(b), I performed an independent line-by-line review of the two documents at issue to determine whether they contain any factual and non-exempt information that can be segregated and released. Based upon my review, I find that the two documents contain no reasonably segregable, non-exempt information. This is because the portions of the two documents containing factual and narrative information are inextricably intertwined with the deliberative information and policy recommendations. Disclosing which facts are presented in these documents, and how they are presented, could reveal the agency's predisposition. As a result of this review and in accordance with OMB's FOIA regulation at 5 C.F.R. § 1303.70, I affirm the

decision by OMB to withhold the two documents in full pursuant to Exemption 5, 5 U.S.C. § 552(b)(5).

To the extent you might find it helpful, I would note that the final government-wide reform plan, which includes proposed reforms at the State Department, was made publicly available and can be accessed online at <https://www.performance.gov/GovReform/Reform-and-Reorg-Plan-Final.pdf>.

If you consider this response to be a denial of your appeal, judicial review of my action on your appeal is available to you in accordance with the provisions of 5 U.S.C. § 552(a)(4). Additionally, you may be interested in the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows: 8601 Adelphi Road-OGIS College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or fax at 202-741-5769.

Sincerely,

A handwritten signature in dark ink, appearing to read 'S. A. Upadhyaya', followed by a long horizontal flourish line.

Shraddha Upadhyaya
Associate General Counsel &
FOIA Public Liaison